

# SEYFARTH SHAW LLP

620 Eighth Avenue  
New York, New York 10018  
(212) 218-6500  
fax (212) 218-5523  
www.seyfarth.com

Writer's direct phone

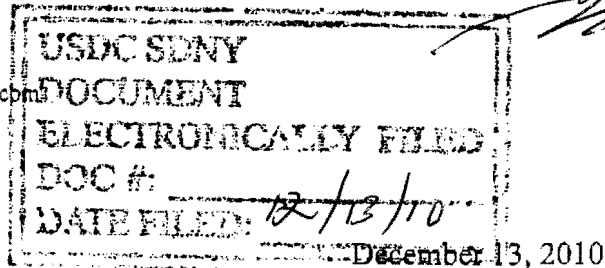
(212) 218-5517

Writer's e-mail

lalmon@seyfarth.com

Writer's direct fax

(917) 344-1169



## VIA FACSIMILE

DEC 13 2010

The Honorable Michael H. Dolinger  
United States District Judge  
United States District Court for the Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: CWA, et al. v. Verizon Communications, Inc., et al., 09-CV-9175 (CM) (MHD)

Dear Magistrate Judge Dolinger:

As Your Honor knows, we represent Defendants in the above-referenced action. As set forth in Plaintiffs' November 18, 2010 letter, endorsed by Your Honor on December 3, 2010, we write on behalf of all parties to provide a status report on the discovery progress which has been made to date.

Since the submission of the November 18, 2010 letter, Defendants have taken an additional six Plaintiff's depositions, leaving only two Plaintiff depositions to complete, only one of which remains to be scheduled. In addition, the parties have continued to exchange responsive documents, including Defendants' production of relevant statistical reports and audio recordings. Likewise, significant progress has been made with respect to the scheduling of non-party Fed. R. Civ. P. 30(b)(6) witness depositions which do not depend upon the remaining email production. As the parties previously advised the Court, however, the discovery issue most significantly impacting the parties' ability to meet the previously set discovery deadline was Plaintiff's demand for voluminous emails and the Rule 30(b)(6) witness depositions that Plaintiffs deem to be tied to that email production. As promised, on November 24, 2010, Defendants produced the results of the parties' sampling of emails for four custodians for an aggregate total of six months, which totaled 14,000 pages for just that sample.

On December 10, 2010, the parties conferred by phone regarding the email production and agreeable terms for purposes of narrowing the remaining emails to the most relevant materials and a manageable volume prior to production. The parties devised a possible approach to selection and production of the emails and are in the process of testing and refining that approach. The parties



The Honorable Michael H. Dolinger  
December 13, 2010  
Page 2

believe that after a small amount of additional time -- one week -- they will be positioned to provide the Court with a definitive plan and timeline for the remainder of class-related discovery. As such, we respectfully request that the Court maintain the current suspension of the discovery deadline and allow the parties to provide a more detailed status report and proposed discovery plan, as well as a revised briefing schedule for any class certification motion, by December 20, 2010.

Thank you for Your Honor's courtesy in considering this request.

Respectfully submitted,

SEYFARTH SHAW LLP

s/ Lorie E. Almon

---

Lorie E. Almon

cc: Daniel Clifton (via facsimile)  
Louie Nikolaidis (via facsimile)  
Mary K. O'Melveny (via facsimile)  
Gabrielle Semel (via facsimile)  
Arthur Telegen  
Christie Del Rey-Cone  
Krista Pratt

